



## **CITIZENS' POLICE REVIEW BOARD**

**Meeting of Thursday, June 8, 2017 - 6:15 P.M.**

**City Council Chamber, Third Floor  
ONE FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA  
(510) 238-3159**

### **Attachments**

- |       |   |              |   |
|-------|---|--------------|---|
| I.    | Call to Order   |              |   |
| II.   | Roll Call   |              |   |
| III.  | Minutes – May 25, 2017  |              | 1 |
| IV.   | Presentation – OPD Chief of Police Anne Kirkpatrick   | (20 minutes) |   |
|       | A. Board Member Comments  |              |   |
|       | B. Public Comment   |              |   |
| V.    | Open Forum  | (5 minutes)  |   |
| VI.   | Director's Report   | (5 minutes)  | 2 |
|       | A. Announcements  |              |   |
|       | B. Pending Cases as of June 3, 2017   |              |   |
| VII.  | CPRB Special Committee Report   | (10 minutes) |   |
|       | A. Transparency and Legislation   |              |   |
|       | 1. General Updates  |              |   |
|       | 2. Next Meeting   |              |   |
| VIII. | Sign-up Sheet for Examiners for Hearings  | (5 minutes)  | 3 |
| IX.   | Action – CPRB 2016 Annual Report - Supplemental<br>(Executive Director Anthony Finnell)   | (15 minutes) | 4 |
|       | A. Discussion   |              |   |
|       | B. Public Comment   |              |   |
|       | C. Action   |              |   |
| X.    | Closed Session: New Business  | (20 minutes) |   |
|       | A. Cases Proposed for Administrative Closure / Pursuant to Ordinance<br>No. 12454 C.M.S. section 6, paragraph G subsection 9, hearing would<br>not facilitate the fact-finding process and that no good cause is shown for<br>further action. |              |   |

1. Based on the findings of the investigation

Case No. 16-0545, Charrika Harris

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleged that OPD officers were rude to her and her husband, that they illegally detained her husband and conducted an illegal probation search, and that a sergeant threatened to punch her husband in the face and failed to have his PDRD activated. **[This case has been bifurcated. The first portion was resolved through a hearing on May 25, 2017.]**

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegation #1 as the investigation disclosed sufficient evidence to determine that the conduct did not occur.

The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #3 and #4 as the investigation revealed that the act or acts which provided the basis for the complaint occurred – the probation search and detention of complainant – however the acts were justified, lawful and proper and not violations under law and/or departmental policy.

Allegations #2, #5 and # 6 were brought before the Board for hearing on May 25, 2017.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

Case No. 16-0870, Ashanti Renee Payne

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleged that OPD officers improperly arrested her; failed to advise her of her Miranda rights; improperly search her; were rude; used improper force; failed to take proper care of her as a prisoner; and failed to provide their badge numbers upon request.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #1 for one OPD officer

– failure to advise complainant of her Miranda rights – as the investigation disclosed a preponderance of evidence to prove the allegation made in the complaint.

The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegation #1 for two OPD officers as the investigation revealed that the act or acts which provided the basis for the complaint occurred – failure to advise complainant of her Miranda rights – however the acts were justified, lawful and proper and not violations under law and/or departmental policy.

The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to the allegations #2 and #7 as the investigation did not disclose sufficient evidence to determine whether the alleged conduct occurred.

The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #3, #4, #6, #8 and #11 as the investigation disclosed sufficient evidence to determine that the conduct did not occur.

The CPRB staff recommends administrative closure of this complaint with a finding of **No MOR Violation** to allegations #5, #9 and #10 as the investigation disclosed sufficient evidence to determine that the conduct was not an MOR violation.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

Case No. 16-0757, Jolie Brown

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleged that an OPD officer made an inappropriate statement to her during a telephone conversation approximately one year earlier. Upon review of the case the CPRB Investigator elected to consider an additional allegation of failure to take a report.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to the allegation #12 as the investigation did not disclose sufficient evidence to determine whether the alleged conduct occurred.

The CPRB staff recommends administrative closure of this complaint with a finding of **No MOR Violation** to allegation #2 as the investigation disclosed sufficient evidence to determine that the conduct was not an MOR violation.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

- XI. Open Session  
Disclosure of non-confidential closed session matters (5 minutes)
- XII. Adjournment

**NOTE:** Meetings of the Citizens' Police Review Board are accessible. Individuals requesting alternate format materials and/or auxiliary aids and services must do so no later than five working days before the scheduled meeting date, otherwise it may not be possible to arrange a specific accommodation. Such requests should be addressed to the Citizens' Police Review Board, 250 Frank H. Ogawa Plaza, 6th Floor, Suite 6302, Oakland, CA 94612, or by telephone by calling (510) 238-3159 ; TTY/TDD (238-2007).

**Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.**

### **CPRB MISSION STATEMENT**

The Citizens' Police Review Board strives to provide the community with a public forum to voice its concerns on policy matters and individual cases alleging police misconduct, through a mechanism of independent, impartial, fair, and transparent civilian oversight.